

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

**ROBERT WADE PLUMIER, *et al.***

**PLAINTIFFS**

**VERSUS**

**CIVIL ACTION NO. 1:18-cv-00013-HSO-JCG**

**WEXFORD HEALTH SOURCES, INC., *et al.***

**DEFENDANTS**

**RULE 16(a) INITIAL ORDER**

The above captioned cause is set for a **TELEPHONIC CASE MANAGEMENT CONFERENCE (TCMC) on February 27, 2019 at 3:00 p.m.** before:

U.S. Magistrate Judge John C. Gargiulo  
2012 15th Street, Suite 672  
Gulfport, MS 39501

**Telephone Number to use for Conference: (228) 563-1755**  
*Gargiulo\_Chambers@mssd.uscourts.gov*

**Unless otherwise agreed, it shall be the responsibility of counsel for the plaintiff to set up the conference call at the scheduled time.** In cases involving *pro se* plaintiff, it shall be the responsibility of counsel for the defendant to set up the conference call at the scheduled time. PLEASE PLACE THE CALL TO JUDGE GARGIULO'S CHAMBERS WITH ALL NECESSARY COUNSEL ALREADY ON THE LINE.

No later than twenty one (21) days prior to the TCMC, counsel shall confer regarding all matters set forth in Local Rule 26(f).

No later than fourteen (14) days after the attorney conference, seven (7) days prior to the TCMC, **counsel shall submit a proposed case management order (pdf format) to the judge only**. This submission shall **not** be filed with the Clerk of Court. By the same deadline, **counsel shall also submit a Confidential Memorandum (pdf format) (3 page maximum)** setting forth a brief explanation of the case, and a candid appraisal of the respective positions, including possible settlement figures to *Gargiulo\_Chambers@mssd.uscourts.gov* (PRO SE persons must MAIL their memo instead of using the e-mail address). Counsel will also furnish in their memorandum a good faith estimate of the expense of carrying the litigation through trial and the appellate process, if not settled, and will have discussed these costs

with their respective clients. These memoranda are not to be exchanged and will be viewed only by the Court. Further, these memoranda shall not be filed with the Clerk of Court. Do not mail a separate copy.

**THE FAILURE OF ANY PARTY TO TIMELY SUBMIT THE PROPOSED CASE MANAGEMENT ORDER AND CONFIDENTIAL MEMORANDA SHALL REQUIRE ATTENDANCE IN PERSON BY ALL DEFAULTING COUNSEL AT THE CASE MANAGEMENT CONFERENCE. ALL ATTORNEYS OF RECORD FOR THE DEFAULTING PARTY SHALL BE REQUIRED TO ATTEND AND THE CONFERENCE SHALL NOT BE SUBJECT TO RESCHEDULING. SANCTIONS WILL BE IMPOSED AT THE CONFERENCE.**

At the case management conference, the Court and the parties shall:

1. Identify the principal factual and legal issues in dispute;
2. Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case;
3. Indicate whether all parties consent to jurisdiction by a magistrate judge;
4. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;
5. Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with 42(b) Fed.R.Civ.P.;
6. Determine the plan for at least the first stage of discovery; impose limitations on each discovery tool, time periods and other appropriate matters;
7. Discuss the timing for the Rule 16(g) settlement conference;
8. Discuss scheduling and set appropriate scheduling deadlines including dates for settlement conference, completion of discovery, motions, final pretrial conference and trial. The parties should be prepared to discuss prior conflicts with the trial date.
9. Verify that counsel are registered for electronic document filing and are familiar with the Administrative Procedures for Electronic Filing.

A case management order shall be entered by the Court within ten (10) days of the conference. The parties shall not complete the scheduling deadlines section until the TCMC. A Uniform Case Management Order form and case management time lines have been developed and are available on the Court's website at [www.mssd.uscourts.gov](http://www.mssd.uscourts.gov) and as Form No. 1 in the revised Uniform Local Rules,

effective December 1, 2016. Counsel shall use that format in discussions and preparation. The Uniform Local Rules are also available on the Court's website.

Date: February 5, 2019

s/ John C. Gargiulo  
JOHN C. GARGIULO  
UNITED STATES MAGISTRATE JUDGE